

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEVIN L. KEITHLEY,

No. C-03-04447 SI (EDL)

Plaintiff,

**ORDER RE: PLAINTIFFS' SEPTEMBER
16, 2008 IN CAMERA SUBMISSION**

v.

HOMESTORE.COM, INC., et al,

Defendants.

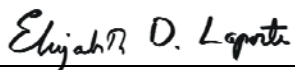
On September 16, 2008, Plaintiffs lodged an in camera declaration of counsel along with billing records to support additional monetary sanctions as contemplated in the Court's August 12, 2008 Order for Monetary Sanctions and Report and Recommendation for Adverse Inference Instruction to Remedy Discovery Misconduct. See Aug.12, 2008 Order/Report and Recommendation at 25:9-10; 25:25-28; 26:2-4; 26:25-27. As an initial matter, Plaintiffs note that they have not received payment of the monetary sanctions ordered by the Court in the amount of \$122,528.50. See Aug. 12, 2008 Order/Report and Recommendation at 26:1-2; 26:24-25. Although Defendants have objected to the Order/Report and Recommendation, the filing of objections to a ruling by a magistrate judge on a nondispositive matter does not automatically stay operation of the order. See 14 James W. Moore, et al., Moore's Federal Practice, § 72.10[4] at 72-44 (3d ed. 2002) (citing Litton Indus., Inc. v. Lehman Bros. Kuhn Loeb, Inc., 124 F.R.D. 75, 79 (S.D. N.Y. 1989); Kimbrell v. Adia, S.A., 834 F. Supp. 1313, 1317 (D. Kan. 1993)). Defendants have not sought a stay of that order.

The primary purpose of Plaintiffs' in camera submission was to provide evidentiary support for the further sanctions described in the Court's Order/Report and Recommendation. The Court defers awarding any additional sanctions at this time until after the appeal of the Court's

Order/Report and Recommendation is complete.

IT IS SO ORDERED.

Dated: September 18, 2008



ELIZABETH D. LAPORTE
United States Magistrate Judge